

**Maryland Department of the Environment
Water Management Administration
National Pollutant Discharge Elimination System Phase II Stormwater Program**

Fact Sheet

The Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) municipal stormwater program regulations were published in 1990. These regulations established Phase I requirements for stormwater discharges associated with 11 categories of industrial activity and for municipal separate storm sewer systems serving populations of 100,000 or greater. In Maryland, ten jurisdictions and the State Highway Administration (SHA) currently are each covered under individual municipal NPDES stormwater permits. These permits require the control of discharges from storm drain systems through numerous means. However, some cities and towns within these jurisdictions were not affected initially by NPDES. Consequently, some "small" municipalities, or "donut holes" had extensive storm drain systems but were not addressed by county permits.

In December 1999, the EPA promulgated the NPDES Phase II requirements. As a result, many of the localities not permitted under Phase I are now required to obtain NPDES permit coverage under the federal Clean Water Act (CWA). More than forty cities and towns in Maryland with populations greater than 1,000 have been designated for coverage by EPA or the Maryland Department of the Environment, Water Management Administration (WMA). Each is required to implement the following six minimum measures: public education and outreach; public participation and involvement; illicit discharge detection and elimination; construction site runoff control; post-construction runoff control; and pollution prevention/good housekeeping. Implementation of these minimum control measures will help efforts toward improving the quality of our streams, rivers, and Chesapeake Bay through the continued improvement of stormwater management and erosion and sediment control programs; the removal of illicit discharges; the education of the public regarding water quality issues; and ensure that all municipally owned facilities have pollution prevention plans.

While these measures can be implemented by each municipality independently, sharing compliance responsibilities with another entity or relying on other "qualifying local programs" can also be used to satisfy the CWA requirements. In Maryland, two programs are already well established. These are erosion and sediment control and stormwater management. MDE considers these examples of "qualifying local programs." Enforcement of approved erosion and sediment control plans statewide is MDE's responsibility unless the authority has been delegated locally. Therefore, for this minimum control measure, municipalities covered under the general permit can seek delegation of enforcement authority from MDE, rely on another delegated authority, or have MDE enforce sediment control requirements. Any of these approaches will satisfy Phase II mandates.

Maryland's stormwater management program is similar. Our statewide program regulates runoff from new and redevelopment projects. As a result, permittees can either administer a stormwater program independently or rely on its respective County to provide that service. In both of these examples, all that would be required of an affected Phase II locality would be to

specify in their permit application those entities responsible for compliance with these minimum measures.

Sharing responsibilities for implementation of the remaining minimum measures is also an option. For example, many municipalities are located within jurisdictions that have individual NPDES municipal stormwater permit coverage under Phase I. These individually permitted jurisdictions are currently implementing programs such as illicit connection detection and elimination or public education and outreach that Phase II communities may take advantage of. A Memorandum of Understanding (MOU), or other similar agreement should be executed between the municipality and its surrounding jurisdiction defining responsibilities for each.

To provide coverage to Phase II municipalities, WMA has composed a draft general permit that addresses the six minimum control measures. Application requirements, best management practices (BMPs) to be implemented and measurable goals for each, BMP implementation schedules, and annual reporting requirements are addressed as well. Copies of the general permit are available by contacting MDE's Nonpoint Source Program at 410-537-3543.